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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 T-MOBILE NORTHEAST, LLC,

11 Plaintiff,

12 v.

13 SELECTIVE INSURANCE  
14 COMPANY OF AMERICA,

15 Defendant.

CASE NO. C17-1289JLR

ORDER ON SUPPLEMENTAL  
BRIEFING

16 On May 17, 2018, the Honorable Robert S. Lasnik transferred this case to the  
17 undersigned judge as related to *T-Mobile USA Inc. v. Selective Insurance Co. of America*,  
18 No. C15-1739JLR (W.D. Wash.), a case now on appeal before the Court of Appeals for  
19 the Ninth Circuit. (*See Dkt.*); *T-Mobile USA v. Selective Insurance*, No. C15-1739JLR,  
20 Dkt. # 94 (Not. of Appeal). Before the court is Defendant Selective Insurance Company  
21 of America's ("Selective") motion to dismiss or stay this matter pursuant to the first to  
22 file rule. (Mot. (Dkt. # 6).) Selective contends that this action is identical to a New

1 Jersey case Selective brought shortly before Plaintiff T-Mobile Northeast, LLC  
2 (“T-Mobile NE”) filed this case, and therefore seeks a dismissal or stay. (*See id.* at 2.)  
3 Both of those cases were filed on July 27, 2017. (*Id.* at 7; Resp. (Dkt. # 10) at 11-12.) In  
4 addition, when Selective filed its motion, T-Mobile USA Inc.’s motion for  
5 reconsideration in *T-Mobile USA v. Selective Insurance*, No. C15-1739JLR, was pending,  
6 and both parties extensively detail and heavily rely on that fact in their briefing here.  
7 (*See generally* Mot.; Resp.; Reply (Dkt. # 12).) However, the court denied that motion  
8 and entered judgment on October 19, 2017, and T-Mobile USA appealed. *See T-Mobile*  
9 *USA v. Selective Insurance*, No. C15-1739JLR, Dkt. ## 92 (10/19/17 Order), 93  
10 (Judgment), 94 (Not. of Appeal).

11       Thus, due to the amount of time that has passed since Selective filed its motion,  
12 the parties’ briefing is stale. Accordingly, the court ORDERS the parties to file  
13 supplemental briefing addressing the current status of the New Jersey case and how the  
14 entry of judgment in and appeal of *T-Mobile USA v. Selective Insurance*,  
15 No. C15-1739JLR, affects the motion. In addition to those specific issues, any other  
16 issues the parties address must be relevant to dismissal or a stay pursuant to the first to  
17 file rule. The parties must file their supplemental briefing as follows: Selective must file  
18 a brief of no more than ten (10) pages no later than June 1, 2018, and T-Mobile NE must  
19 file a responsive brief of the same length no later than June 15, 2018.

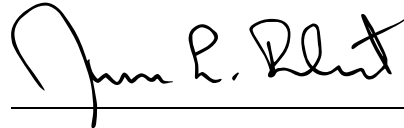
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1 Selective may not file a reply. The court further DIRECTS the Clerk to renote  
2 Selective's motion for June 15, 2018.

3 Dated this 18th day of May, 2018.

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6 JAMES L. ROBART  
7 United States District Judge  
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